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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,356	10/16/2001	Yasuo Tabuchi	01-220	3375

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679
DATE MAILED: 04/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/977,356	Applicant(s) Tabuchi et al
	Examiner Greg Binda	Art Unit 3679



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Mar 21, 2003
 - 2a) This action is FINAL. 2b) This action is non-final.
 - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-3 and 28-35 is/are pending in the application.
 - 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
 - 5) Claim(s) _____ is/are allowed.
 - 6) Claim(s) 1-3 and 28-35 is/are rejected.
 - 7) Claim(s) _____ is/are objected to.
 - 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on Mar 21, 2003 is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) Interview Summary (PTO-413) Paper No(s). _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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Drawings

1. The corrected or substitute drawings were received on Mar 21, 2003. These drawings are approved.

Claim Rejections - 35 U.S.C. § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 3 & 28 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 3 & 28 recite the limitation, "the hole reduces a cross sectional area of said torque transmitting member". There does not appear to be a mention of this limitation in the description of the elected species in the application as originally filed. The drawings and specification describe/show the cross section of the hole 14a itself reducing, not the cross section of the transmitting member 14.

4. Claim 33 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

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invention. Claim 33 recites the limitation "said member" but it is not clear which of the previously recited members is "said member". See claim 1, lines 4 & 11

Claim Rejections - 35 U.S.C. § 102

5. Claims 1, 2 & 29-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Suito et al, US 6,065,943 (Suito). Fig. 11 shows a torque transmitting apparatus for transmitting a torque from a driving source (see also col. 5, line 27) to a rotary device (see "compressor" in col. 5, line 9) comprising: a first rotor 96a driven in a rotating direction upon receipt of the torque from the driving source via a belt 97 disposed between the first rotor 96a and the driving source, the first rotor 96a receiving a radial load in a radial direction thereof from the belt 97 while being driven in the rotating direction; a radial bearing 35 disposed between the first rotor 96a and a housing 32 , which supports the first rotor 96a rotatably on the housing 32 against the radial load on the first rotor 96a; and a second rotor 98 connected to a rotating portion 34 of the rotary device and rotating together with the rotating portion 34. Fig. 13 shows a rubber (see also col. 15, line 2) torque transmitting member 106 disposed between the first rotor (numbered 36 in Fig. 13) and the second rotor (numbered 38 in Fig. 13) for transmitting the torque in the rotating direction to the second rotor. Fig. 14 shows the transmitting member 106 being deformable elastically in the rotating direction. Fig. 14A shows the transmitting member 106 deformed by flexural deformation and Fig. 14B shows the transmitting member 106 deformed by compressive deformation.

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Claim Rejections - 35 U.S.C. § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 & 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suito in view of Goldschmidt et al, GB 557,705 (Goldschmidt). In Fig. 13, Goldschmidt shows the torque transmitting member 106 has a hole 106b but does show the hole with a cross section that reduces in a direction perpendicular to the rotating direction. In Fig. 1, Goldschmidt shows a torque transmitting member 'g' with a hole 'h' having a cross section that reduces in a direction perpendicular to the rotating direction. On page 2, lines 32-41 & 82-86, Goldschmidt teaches making the torque transmitting member 'g' with a hole 'h' having a cross section that reduces in a direction perpendicular to the rotating direction in order to provide the torque transmitting member with a compressibility that conforms to the degree of rotational movement at any given radial distance. It would have been obvious to one of ordinary skill in the art to one of ordinary skill in the art to modify the torque transmitting apparatus of Suito by making the torque transmitting member 106 with a hole having a cross section that reduces in a direction perpendicular to the rotating direction in order to provide the torque transmitting member with a

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compressibility that conforms to the degree of rotational movement at any given radial distance as taught by Goldschmidt.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsushita and Fukai each show a torque transmitting apparatus.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Monday through Thursday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 (before final), (703) 872-9327 (after final) and (703) 872-9325 (customer service).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



**GREGORY J. BINDA
PRIMARY EXAMINER**